

Please

Read All Of This Information Before Completing The Application

DO NOT FILE AN APPLICATION WITH JUSTICE COURT

- * If you have a divorce or parenting plan action pending between you and the person you are filing against; the application must be filed in District Court.
- * If the person you are filing against is outside the State; Justice Court only has jurisdiction within Montana.
- * If you live in the city limits of Hamilton, Stevensville, or Darby. The application must be filed in the appropriate City Court.

ELIGIBILITY REQUIREMENTS

- * You must be a family member or intimate partner of the offender, and you must be a victim of assault, aggravated assault, intimidation, criminal or negligent endangerment, assault on a minor, assault with a weapon, unlawful restraint, kidnapping, aggravated kidnapping, arson, or
- * If you are not related to the offender or an intimate partner of the offender, you must then be a victim of stalking, incest, sexual assault, or sexual intercourse without consent.

PETITIONER

Only one Petitioner may file an application. You may not list a spouse as a Petitioner but, rather, he or she can be included under the “Requested Relief” portions of the Petition and Order, as well as any minor children you may have. If there are other relatives who feel they need a protective order, they must complete their own applications. If you are filing on behalf of a minor, the child is listed as the Petitioner, however, a parent or legal guardian must complete and sign the paperwork on behalf of the minor.

RESPONDENT

Only one Respondent can be named on an application. If there are other people you wish to file against, separate applications must be filed against each one.

Birthdate and/or Social Security Number: it is imperative that the Court and law enforcement have these identifying factors. Although service can be made on a Respondent without this information, the Order cannot be entered into the 911 system unless a birthdate or Social Security Number is provided.

Before signing the Petition, you must provide the Court with a photo ID, such as a driver's license.

If the application is approved, a hearing will be scheduled within 20 days. Please call the Court prior to the hearing to confirm that the Respondent has been served; if not, it will be necessary to reschedule the hearing.

When signed by a Judge, a Temporary Order of Protection is effective immediately; however, it can not be enforced until the Respondent has been served. Keep a copy of the Order with you at all times. If children are named in the Order, copies should be made available to day care providers or schools.

At the hearing, you will need to explain why you are asking for an Order of Protection. You may be represented by an attorney, as well as bring witnesses to the hearing who have knowledge about the facts stated in your Petition. Evidence can be presented as well.

RESOURCES:

- * SAFE can provide support and assist in the completion of application forms. 363-4600
- * Victims Advocate: Valerie Lawrence, 375-6355.
- * If you feel in immediate danger at any time, call 911

ALL FORMS ATTACHED TO THESE GUIDELINES MUST BE COMPLETED

Please print legibly

There are four forms which you need to complete:

Petition: You are the Petitioner, and the person you are filing against is the Respondent. Complete all the appropriate information and check the provisions that apply to your situation. The Petition must be signed before a Court clerk and a photo ID will be required.

Order of Protection: complete the first three pages.

Praecipe: you must provide a physical address where the Respondent can be served. If you do not know the physical address, you may draw a detailed map.

Petitioner Data: complete all information requested. This information will not be included in the paperwork provided to the Respondent.

Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840
(406) 375-6252

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)	
Petitioner)	PETITION FOR TEMPORARY ORDER OF
)	PROTECTION / REQUEST FOR HEARING
vs)	
)	
_____)	Cause No. _____
Respondent)	

Under oath and as provided by Montana Code Annotated 40-15-201, I request that the court issue a Temporary Order of Protection against respondent. I believe I am in danger of harm if a Temporary Order of Protection is not issued immediately.

PETITIONER PERSONAL IDENTIFIERS

Name _____
Date of Birth _____ Sex _____ Race _____

RESPONDENT PERSONAL IDENTIFIERS

Respondent's Name _____
Respondent's DOB _____ SSN _____
Sex _____ Race _____ Height _____ Weight _____ Hair color _____ Eye Color _____
Drivers License _____ State issued _____ Expiration date _____ Vehicle make _____ Vehicle color _____ Plate No. _____
Identifying physical characteristics (scars/tattoos) _____

PETITIONER'S RESIDENCE

I live in the County of _____, Montana.

My residence is not located within the city limits of Hamilton, Stevensville, or Darby, Montana

Respondent lives in the city of _____, county of _____, Montana

The abuse or offense happened in _____

If you have a relationship with the Respondent, complete the following information

- _____ I am married to respondent.
- _____ Respondent and I were married, are now separated, or are now divorced.
- _____ I live with respondent or I used to live with respondent.
- _____ I dated respondent, or had an ongoing intimate relationship with respondent
- _____ Respondent and I have a child(ren) together
- _____ I am a family member or a former family member of respondent. My relationship to the Respondent is: _____

If you don't have a relationship with Respondent, you must be a victim of one of the following offenses:

- _____ I am a victim of stalking, incest, sexual assault, or sexual intercourse without consent.

DESCRIPTION OF ABUSE

Complete the following if you have a relationship with the Respondent

- _____ Partner-Family Member Assault: Respondent (partner or family member) caused bodily injury to me, used a weapon to cause bodily injury, or caused me to fear bodily injury.
- _____ Assault: Respondent caused bodily injury to me, had physical contact of an insulting or provoking nature, or caused me to fear bodily injury
- _____ Intimidation: Respondent threatened physical harm or confinement so I would obey.
- _____ Endangerment: Respondent created a risk of death or serious bodily injury to me.
- _____ Kidnapping/Restraint: Respondent held me against my will and interfered with my liberty
- _____ Arson: Respondent burned my property or placed me in danger of death or bodily injury by fire or explosives.
- _____ Deliberate Homicide or Mitigated Deliberate Homicide: Respondent killed my partner or family member.

Complete the following if you do not have a relationship with the Respondent

- _____ Incest: Sexual contact with me or my minor child
- _____ Sexual Assault: Respondent had sexual contact with me without my consent.
- _____ Sexual Intercourse Without Consent: Respondent had sexual intercourse with me without my consent.
- _____ Stalking: Respondent caused emotional distress or fear of death or injury by repeatedly following, harassing, threatening me in person, by phone, mail, or other method.

[illegible]

FIREARMS: List all firearms and other weapons currently possessed by Respondent:

CHILDREN

The respondent and I are the parents of the following child(ren):

Name:	_____	Birthdate	_____
Lives with	_____	Race/Sex	_____
Name:	_____	Birthdate	_____
Lives with	_____	Race/Sex	_____
Name:	_____	Birthdate	_____
Lives with	_____	Race/Sex	_____
Name:	_____	Birthdate	_____
Lives with	_____	Race/Sex	_____

The following children are not the respondent's but live with me:

Name:	_____	Birthdate	_____	Race/Sex	_____
Name:	_____	Birthdate	_____	Race/Sex	_____
Name:	_____	Birthdate	_____	Race/Sex	_____
Name:	_____	Birthdate	_____	Race/Sex	_____

OTHER COURT CASES

If there are other court cases between you and Respondent, check the appropriate provisions:

- ___ A. A divorce, legal separation, or custody/visitation case has been filed in the following Court (include city/county/state) _____

- ___ B. There are other Court cases between the Respondent and me. List the nature of the cases and where it/they is/are filed: _____

- ___ C. A criminal charge of _____
was filed against ()Petitioner or ()Respondent. List where the action is filed: _____

- ___ D. List any other cases pending against the Respondent that you are aware of: _____

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue a Temporary Order of Protection as follows (check those provisions you want the Court to include in your order)

- ____ 1. Respondent should be restrained from assaulting, threatening, abusing, harassing, annoying, following, disturbing the peace, or stalking the Petitioner. In addition, the Respondent should be restrained from doing such things to the below named spouse / minor child(ren):

- ____ 2. Respondent should be restrained from threatening to commit or commit acts of violence against me and, if applicable, the following persons (i.e., spouse, minor children):

- ____ 3. Respondent should be restrained from telephoning, e-mailing, writing, contacting, or otherwise communicating with Petitioner, either directly or indirectly or through a third party. If applicable, Respondent should further be restrained from doing any of those things to the following persons (i.e., spouse, minor children):

- ____ 4. The following applies to Petitioner's present residence:

____ The Respondent should be excluded from the Petitioner's residence located at _____
and, further, ordered to stay 1500 feet [or _____] away from the residence.

____ Petitioner's current location is confidential, however, if Petitioner's residence becomes known to the Respondent, then the Respondent should be ordered to stay 1500 feet [or _____] away from said residence.

- ____ 5. Respondent should be ordered to stay 1500 feet (or _____) away from Petitioner and the following locations. Print name and address.

____ workplace _____

____ children's school/day care

____ other locations: _____

- ____ 6. Respondent should be prevented from taking the child(ren) listed below out of
Ravalli County and / or Missoula County

- ____ 7. Respondent used or threatened me with a firearm, and Respondent should be prohibited
from owning, possessing, and/or purchasing a firearm.
- ____ 8. Respondent should be restrained from taking, hiding, selling, damaging, or disposing of any
of our/my property.
- ____ 9. Respondent should be ordered to transfer possession or use of the following items to
Petitioner (may include residence, vehicle, or other essential personal property regardless of
ownership). _____

- ____ 10. Respondent should be restrained from transferring, encumbering, concealing, or otherwise
disposing of my property or jointly owned property, except as provided below (must be limited
to transfers in the usual course of business or for necessities of life). Respondent must inform
the Court, which will in turn notify the Petitioner, of any proposed extraordinary expenditures
made after this order is issued.

RETRIEVAL OF PERSONAL PROPERTY FROM THE RESIDENCE:

- ____ 11. PETITIONER should be accompanied to the residence by a law enforcement officer to
retrieve essential personal property and any property listed in provision no. 9 above.
- ____ 12. RESPONDENT should be accompanied to the residence by a law enforcement officer in
order to retrieve essential personal property, and, if applicable, the following items,
equipment, and/or tools which are essential to his/her employment:

OTHER RELIEF

- ____ 13. The court should order the following relief to provide for my safety, and the welfare and
safety of other family members listed in this Petition:

HEARING:

Petitioner respectfully requests that the Court set a hearing on this case within 20 days as required by
Mont. Code. Ann 40-15-202. The Respondent will then have a chance to be heard and explain why an
Order of Protection should not be issued with the provisions indicated above.

STATE OF MONTANA)
 :ss
County of Ravalli)

The undersigned Petitioner, after having been sworn, states as follows: I have read the above petition, know the contents, and that the statements are true of my own knowledge, except those stated upon information and belief, and I believe those to be true.

Dated _____

Petitioner's Signature

SUBSCRIBED AND SWORN TO before me on _____

SEAL

Notary Public for the State or Montana
Residing at _____
My Commission Expires_____

or,

Justice of the Peace

Order of Protection

() Temporary: hearing set for _____
() Permanent
() Order in effect to _____
() Amended Order of Protection

Ravalli County
Justice Court

STATE OF MONTANA

Judge _____

Case _____

FILE
DATE

PETITIONER INFORMATION

First Middle Last

Date of birth

Race/Sex

Relationship to Respondent:

And/or on behalf of minor family member(s). List their name, date of birth, and relationship to Respondent

And/or on behalf of my spouse (include date of birth)

RESPONDENT INFORMATION

First Middle Last

Respondent's Address:

Home phone _____ Work phone _____

Federal Firearm Disqualification Criteria:

- * Hearing/actual notice with opportunity to participate
- * Child or intimate partner (married/divorced/common child/co-habitates or has co-habitated)
- * Order restrains Respondent from harassing, stalking or threatening, or other conduct that creates reasonable fear of bodily injury to Petitioner(s)
- * Order finds credible threat and prohibits use, attempted use, or threatened use of physical force

CAUTION: () weapon involved () weapon on property

Date of Birth

Social Security Number

Race

Sex

Eye Color

Hair Color

Weight

Height

Vehicle make/model/year/license no/expiration date

List physical characteristics (i.e. scars, tattoos):

The Court hereby finds it has jurisdiction over the parties and subject matter and that Petitioner is in danger of immediate harm. The Court acts without notice to the Respondent (temporary order) / or Respondent has been provided with reasonable notice and opportunity to be heard (permanent order). Additional findings of this order are set forth herein.

THE COURT HEREBY ORDERS:

The above-named Respondent is restrained from committing further acts of abuse or threats of abuse. The Respondent shall stay 1500 (or _____) feet away from Petitioner; () Petitioner's residence; () Petitioner's vehicle; () Petitioner's work/school; and, if applicable, () children's school/daycare; as well as any other locations specified in the Order. All additional terms of the Order are set forth herein.

Issue date _____

By _____
Justice of the Peace

WARNING TO RESPONDENT: this order shall be enforced, even without registration, by courts of any state, the District of Columbia, any US Territory, and may be enforced on Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possession, transporting, shipping, or receiving any firearms or ammunition (18 U.S.C. Section 922(g)(8)). Only the court can change this order.

FINDINGS BY THE COURT

From the application, the Court finds that the Petitioner is in danger of harm. The Court acts without notice or upon hearing to the Respondent because harm may result to the Petitioner if the Order is not issued immediately.

- ____ 1. Respondent is restrained from assaulting, threatening, abusing, harassing, following or stalking Petitioner, or harassing, annoying, or disturbing the peace of Petitioner. If applicable, Respondent is restrained from doing any of those things to the following persons (i.e., spouse, minor children):

Name	Relationship	Birthdate/SSN

- ____ 2. Respondent must not threaten to commit or commit acts of violence against Petitioner, and if applicable, against the following persons (i.e., spouse, minor children):

Name	Relationship	Birthdate/SSN

- ____ 3. Respondent must not telephone, e-mail, contact, or otherwise communicate, directly or indirectly, or through any third party, with Petitioner, and if applicable, the following persons (i.e., spouse, minor children):

Name	Relationship	Birthdate/SSN

- ____ 4. The following applies to Petitioner's present residence:

- ____ A. Respondent is excluded from Petitioner's residence and is further ordered to stay 1500 feet (or ____) away from said residence which is located at:

- ____ B. Petitioner's current residence is confidential; however, Respondent is ordered to stay 1500 feet (or _____) away from that location if it becomes known.

____ 5. Respondent is further ordered to stay 1500 feet (or _____) away from Petitioner and the following locations *[include name and address]*:

workplace _____

children's school / daycare _____

other _____

____ 6. Respondent may not remove the children listed below from:

Ravalli County and/or Missoula County

____ 7. Respondent used or threatened Petitioner with a firearm. Respondent is prohibited from owning, possession, and/or purchasing a firearm.

____ 8. Respondent must not take, hide, transfer, damage, transfer, encumber, conceal, or otherwise dispose of Petitioner's property.

____ 9. Respondent must transfer to Petitioner possession or use of the following items (may include the residence, automobile, and other essential personal property regardless of ownership):

____ 10. Respondent should be restrained from transferring, encumbering, concealing, or otherwise disposing of my property or jointly owned property, except as provided below (must be limited to transfers in the usual course of business or for necessities of life). Respondent must inform the Court, which will in turn notify the Petitioner, of any proposed extraordinary expenditures made after this order is issued.

____ 11. PETITIONER is to be accompanied to the residence by a law enforcement officer in order to retrieve essential personal property, and any of property listed in provision #9 of this Order.

____ 12. RESPONDENT is to be accompanied to the residence by a law enforcement officer in order to retrieve essential personal property, as well as the items listed below which may include tools or equipment which are essential to his/her employment:

____ 13. The court orders the following to provide for Petitioner's safety and welfare:

TEMPORARY ORDER OF PROTECTION: HEARING

A hearing on Petitioner's request that this order be made an Order of Protection for a specific time or effective permanently will be held in the Courtroom of the Ravalli County Justice Court, Hamilton, MT, on _____ at _____ o'clock, or as soon thereafter as this matter may be heard. This Temporary Order of Protection shall continue in full force and effect until it comes before the Court for hearing. The parties have the right to be represented by an attorney at the hearing and to bring evidence and witnesses.

ORDER OF PROTECTION:

This Order of Protection shall continue in full force and effect until _____

PETITIONER:

You should immediately report any violation of this order to law enforcement. You also have the right to return to court to report any violation of this order.

RESPONDENT:

If you fail to appear for the hearing, the judge will make a decision about the order of protection in your absence. This decision could affect your ability to own or possess firearms.

WARNING:

Violation of this order is a criminal offense under 45-5-220 or 45-5-626 MCA and may carry penalties of up to \$10,000 in fines and up to a 5-year jail sentence. This Order is issued by the Court, and the Respondent is forbidden to do any act listed in the Order, even if invited by the Petitioner or another person. This Order is issued by the Court and Respondent is forbidden to do any act listed in the Order, even if invited by the Petitioner or another person. This Order may only be amended by further Order of this Court or another Court that assumes jurisdiction over this matter.

SERVICE BY LAW ENFORCEMENT:

Temporary Order of Protection: The sheriff is directed to serve, without cost to Petitioner, a copy of the Temporary Order of Protection, together with a copy of Petitioner's petition, upon the Respondent, and to file a return of service with the Clerk of this Court. This service will be conducted as soon as possible and before the date of the hearing; or the sheriff is directed to serve, without cost to Petitioner, a copy of the Order of the Order on Respondent and file a return of service with the Clerk.

SERVICE BY THE COURT:

The Court served Respondent with this Order of Protection on _____

COPIES:

Upon receipt of proof of this Order, the Clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the proof of service, to the following law enforcement agencies: _____

ISSUED: _____ at the hour of _____

Justice of the Peace

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840
(406) 375-6252*

IN THE JUSTICE COURT OF RAVALLI COUNTY, STATE OF MONTANA

_____)	
Petitioner)	JUDGE: _____
)	
vs)	CASE NO _____
)	
_____)	PRAECIPE FOR SERVICE OF ORDER
Respondent)	OF PROTECTION

To: Sheriffs Office/ City Police / Town Marshall

Please serve the attached Temporary Order of Protection / Order of Protection On the Respondent at the following location(s):

Serve at home: _____

Hours: _____

Serve at work: _____

Hours: _____

Other location: _____

Hours: _____

No street address available; detailed map on the back

*Ravalli County Justice Court
205 Bedford Street, Suite F
Hamilton, Montana 59840
Phone: 406-375-6252*

CONFIDENTIAL PETITIONER INFORMATION	Court:	JUSTICE COURT
	Jurisdiction:	Ravalli County, Montana
	Judge:	
	Cause No.	

Petitioner's Name	
Address	
Home Phone Number	
Date of Birth	
Social Security Number	
Employer	
Employer's Address	
Work Phone Number	
SAFE Representative, if any	

Provide the same information for each additional Petitioner listed on the Order of Protection, including their complete names, social security numbers, and birthdates.
